

FAMILY & HUMAN SERVICES

RESOLUTION NO. 2014177

RE: AUTHORIZING PAYMENT OF 2013 UNENCUMBERED
VOUCHERS FROM 2014 FUNDS – MENTAL HYGIENE (A.4320.67)

Legislators KELSEY, BOLNER, MICCIO, and SAGLIANO offer the following and move its adoption:

WHEREAS, the submission of vouchers following the close of the 2013 budget year has shown that there are outstanding payment invoices in the Department of Mental Hygiene in the sum of \$29,403 for 2013 mandated local share of Family Court and/or Criminal Court Correction Law Section 508 Correction Law admissions cases for which appropriations were made but for which insufficient funds were encumbered before the close out date for voucher submission, and

WHEREAS, said charges were proper except that insufficient appropriations remained to encumber at the end of the close out date for submission for 2013, and

WHEREAS, the charges reflected by said vouchers remain unpaid, and

WHEREAS, the State Comptroller has, pursuant to County Law Section 362, expressed the opinion that claims for services rendered to a county in an earlier year may be paid in a later year if the contracts were valid when made and if there are moneys legally available to be used for such purposes (Opinion 69-686), now, therefore, be it

RESOLVED, that payment from 2014 funds is hereby approved from the following accounts in the amounts indicated:

<u>Line Item No.</u>	<u>Amount</u>
A.4320.67.4420 Court Remands	\$29,403

CA-111-14

ca/G-0167

6/10/14

Fiscal Impact: None. Reduction of 2014 appropriations in amounts indicated.

See attached statements

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 7th day of July 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 7th day of July 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 29,403

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): ☒ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

A.4320.67.4420 Court Remands

Related Expenses: Amount \$ 0
Nature/Reason:

Anticipated Savings to County: \$0

Net County Cost (this year): \$29,403
Over Five Years: \$0

Additional Comments/Explanation:

To allow for payment of 2013 mandated local share of Family and/or Criminal Court Correction Law § 508 admissions cases in 2014. The amount requested is the amount that exceeds the 2013 encumbrances.

Prepared by: Gerald A. Brisley, II, MBA, Division Chief, Administrative Operations



State of New York
Andrew Cuomo
Governor



Office of Mental Health
44 Holland Avenue
Albany, New York 12229
www.omh.ny.gov

March 25, 2014

Ms. Debra Ramsay
Dutchess County Mental Hygiene
Office of Budget & Finance
230 North Rd
Poughkeepsie, NY 12601

*ok to pay 2014
charges. 2013 charges to
go to legislature for
resolution.
joe*

Dear Ms. Ramsay:

Subject: Criminal Court Order and/or Family Court Order and/or
§508 Correction Law Admission Cases

OMH Reference: 13 01/2014

Enclosed is your billing for the January 2014 billing period. The net 50 percent amount due is \$140,102.70. Please note that payments associated with these billings should not be claims for State Aid reimbursement.

The enclosures include a detailed bill listing, copies of the individual bills, and copies of court orders and/or admission papers, etc., on cases where such documents have not previously been submitted.

The county's check for \$140,102.70 should be made payable to:

State of New York
OMH Central Revenue - Dept R
P.O. Box 417689
Boston, MA 02241-7689

If you or your staff has any questions, please do not hesitate to contact me at (518) 473-3578.

Very truly yours,

Bradley C. Titus
Bureau of Reimbursement Operations

Enclosures



MARCUS J. MOLINARO
COUNTY EXECUTIVE



KENNETH M. GLATT, PH.D.
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF MENTAL HYGIENE

Memorandum

TO: Valerie J. Sommerville, Budget Director

FROM: Gerald A. Brisley, II, MBA, Division Chief – Administrative Operations *je*

DATE: June 3, 2014

RE: **2013 BUDGET RESOLUTION – COURT ORDERED OBSERVATION**

The Dutchess County Department of Mental Hygiene is requesting to use current year funds to pay for prior year expenses for court ordered incarcerations (court remands). The invoiced claims on the attached document exceed the amount encumbered for the year by \$29,403.

In an effort to reduce court ordered inpatient admissions, especially for youth, we have begun discussions with the Office of Mental Health's Hudson River Field Office, to learn of different techniques, tactics, and practices that have been used in other localities to control and reduce the costs for court ordered incarcerations. We will evaluate these options for their applicability to Dutchess County, and then we will discuss them with various courts in an effort to reduce our costs on an ongoing basis.

If you have any questions, please do not hesitate to contact me at X-2755.

Encl.

cc: Kenneth M. Glatt, Ph.D., ABPP, Commissioner
Margaret A. Hirst, LCSW-R, Division Chief
William F. X. O'Neill, Deputy County Executive, Chief of Staff
Jessica White, Senior Research Analyst
Keith Byron, Senior Assistant County Attorney

H:\Budget Resolutions\2014\Resolution - 2013 Court Remands

McKinney's Consolidated Laws of New York Annotated
County Law (Refs & Annos)
Chapter 11. Of the Consolidated Laws
Article 7. Finance (Refs & Annos)

McKinney's County Law § 362

§ 362. General budgetary controls

Currentness

1. A separate account shall be kept of each appropriation by the chief fiscal officer. Each such account shall show the amount appropriated, the amount encumbered but remaining unexpended, the several amounts expended therefrom and the unencumbered balance.
2. Whenever any liability of any nature shall be incurred for or by an administrative unit, the head of such unit shall file in the office of the chief fiscal officer a written statement signed by him or his authorized agent setting forth the nature and amount of the liability, or an estimate thereof if the exact amount is unknown, and the appropriation against which it is chargeable; provided that the state comptroller may prescribe, as a part of a uniform system of keeping accounts for counties, that such written statements need not be filed in those cases where he shall determine that compliance with the requirements of this subdivision would be impractical.
3. No expenditure, or contract which in any manner involves the expenditure of money or the incurring of any pecuniary liability, shall be made or entered into by any administrative unit, officer or employee, unless an amount has been appropriated and is available therefor or has been authorized to be borrowed pursuant to the local finance law. No fund or appropriation account shall be overdrawn at any time; nor shall one fund or appropriation account be drawn upon to pay any claim chargeable to another. Nothing in this subdivision shall prevent the making of a contract or lease for a term exceeding one year when authorized by law; nor shall anything in this subdivision require a county which has entered into a contract or lease for a term exceeding one year to pay during the current fiscal year any amounts larger than those which become due and owing during that year under the terms of such lease or contract.
4. Whenever during a fiscal year it shall appear probable to the budget officer that the moneys available for such year will be insufficient to meet the amounts appropriated, he shall forthwith notify the board of supervisors of this fact, stating the probable amount of such deficiency in funds. The budget officer may include his recommendations as to the action which should be taken. The board of supervisors after such investigation as is deemed necessary may reduce any appropriation or appropriations by resolution so as to prevent the making of expenditures in excess of moneys available. Nothing in this subdivision shall permit the reduction of an appropriation below the minimum amount required by law to be appropriated, nor shall any appropriation be reduced by more than the unencumbered balance therein. This subdivision shall not apply to counties adopting the provisions of section three hundred seventy-five.

Credits

(L.1950, c. 691. Amended L.1951, c. 686; L.1951, c. 687; L.1952, c. 509, § 6.)

Notes of Decisions (8)

McKinney's Consolidated Laws of New York Annotated

Correction Law (Refs & Annos)(Refs & Annos)

Chapter 43 Chapter 43. Of the Consolidated Laws (Refs & Annos)(Refs & Annos)

Article 20 Article 20. Local Correctional Facilities (Refs & Annos)(Refs & Annos)

McKinney's Correction Law § 508

§ 508. Removal of sick prisoners from jail§ 508. Removal of sick prisoners from jail

Effective: May 19, 2009

Currentness

1. A sheriff, in his discretion, may by written order permit inmates confined in a local correctional facility to receive medical diagnosis and treatment in outside hospitals, upon the determination that such outside treatment and diagnosis is necessary by reason of inadequate facilities within the local correctional facility. Such inmates shall remain under the jurisdiction and in the custody of said sheriff while in a hospital and said sheriff shall enforce proper measures in each case to safely maintain such jurisdiction and custody.

2. a. If a physician to a jail or in case of a vacancy a physician acting as such and the warden or jailer certify in writing that a prisoner confined in a jail either in a civil cause or upon a criminal charge is in such a state of mental health that he is in need of involuntary care and treatment and in their opinion should be removed to a psychiatric hospital for treatment, the warden or jailer shall immediately notify the director who shall have the responsibility for providing treatment for such prisoner. If such director after examination of the prisoner by an examining physician designated by him shall determine that such prisoner is in need of involuntary care and treatment, the director shall file an application for the involuntary hospitalization of such prisoner pursuant to article nine of the mental hygiene law in a hospital operated by the department of mental hygiene or in the case of a prisoner confined in a jail in a city or county which maintains or operates a general hospital containing a psychiatric prison ward approved by the department of mental hygiene to such prison ward for care and treatment or to any other psychiatric hospital if such prison ward is filled to capacity. Such application shall be supported by the certificate of two physicians in accordance with the requirements of § 9.27 of the mental hygiene law and thereupon such prisoner shall be admitted forthwith to the hospital in which such application is filed, and the procedures of the mental hygiene law governing the hospitalization of such prisoner. The jailer or warden having custody of the prisoner shall deliver the prisoner to the hospital with which the director has filed the application. If such jailer or warden shall certify that such prisoner has a mental illness which is likely to result in serious harm to himself or others and for which care in a psychiatric hospital is appropriate such jailer or warden shall effect the admission of such prisoner to a hospital forthwith in accordance with the provisions of § 9.37 or § 9.39 of the mental hygiene law and the hospital shall admit such prisoner. Upon admission of the prisoner, pursuant to § 9.37 or § 9.39 of the mental hygiene law, the jailer or warden shall notify the director, the prisoner's attorney, and his family, where information about the family is available. While the prisoner is in the hospital he shall remain in the custody under sufficient guard of the jailer or warden in charge of the jail from which he came. A prisoner admitted to a psychiatric hospital pursuant to § 9.27, § 9.37 or § 9.39 of the mental hygiene law may be retained at the hospital pursuant to the provisions of the mental hygiene law until he has improved sufficiently in his mental illness so that hospitalization is no longer necessary or until ordered by the court to be returned to the jail whichever comes first and in either event, the prisoner shall thereupon be returned to jail. The cost of the care and treatment of such prisoners in the hospital shall be defrayed in accordance with the provisions of the mental hygiene law in such cases provided.

From the time of admission of a prisoner to a hospital under this section the retention of such prisoner for care and treatment shall be subject to the provisions for notice, hearing, review and judicial approval of continued retention or transfer and continued retention provided by article nine of the mental hygiene law for the admission and retention of involuntary patients.

b. As used in this section, the following terms shall have the following meanings:

(i) "Director" means (a) the director of a state hospital operated by the department of mental hygiene, or (b) the director of a hospital operated by any local government of the state that has been certified by the commissioner of mental hygiene as having adequate facilities to treat a mentally ill person or (c) the director of community mental health services or the designees of any of the foregoing. The appropriate director to whom a jailer or warden shall certify the need for involuntary care and treatment and who shall have the responsibility for such care and treatment shall be determined in accordance with rules jointly adopted by the judicial conference and the commissioner of mental hygiene.

(ii) "Mental illness" shall mean an affliction with a mental disease or mental condition which is manifested by a disorder or a disturbance in behavior, feeling, thinking, or judgement to such an extent that the person afflicted requires care and treatment.

(iii) "In need of involuntary care and treatment" shall mean that a person has a mental illness for which care and treatment as a patient in a hospital is essential to such person's welfare and whose judgement is so impaired that he is unable to understand the need for such care and treatment.

(iv) "Likelihood to result in serious harm" shall mean (1) substantial risk of physical harm to himself as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that he is dangerous to himself or (2) a substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear or serious physical harm.

c. If at any time the hospital in which a prisoner is hospitalized pursuant to this subdivision determines that the prisoner is not in such state of mental health to be in need of involuntary care and treatment the prisoner shall be returned to the jail forthwith.

d. If at any time the director of a hospital in which a prisoner is hospitalized pursuant to this subdivision has reason to believe that the prisoner may be an incapacitated defendant as defined in article seven hundred thirty of the criminal procedure law he shall so notify the court in which the criminal charges are pending and such court shall thereupon issue an examination order pursuant to the provisions of article seven hundred thirty of the criminal procedure law.

e. Nothing in this subdivision shall prevent the release of the prisoner from custody where appropriate by recognizance, bail, or otherwise as the court may direct.

3. *Renumbered 2 by L.2009, c. 33, § 1, eff. May 19, 2009.*

Credits

(L.1929, c. 243. Amended L.1936, c. 198; L.1946, c. 700; L.1961, c. 151; L.1962, c. 536; L.1968, c. 251, § 9; L.1974, c. 656, § 1; L.1988, c. 240, § 1; L.2002, c. 283, § 1, eff. Aug. 6, 2002; L.2009, c. 33, §§ 1, 2, eff. May 19, 2009.)

Editors' Notes

PRACTICE COMMENTARIES

by Mark Bonacquist

2009

This section was amended to eliminate the archaic requirement that a sheriff obtain a court order in order to bring a civil or pretrial inmate outside the jail for medical diagnosis or treatment. No such order is required to provide medical treatment to sentenced inmates at an outside medical facility. The sheriff is responsible for the safety and well-being of all inmates committed to his custody (^{§ 508} Correction Law § 500-c[4]), and it made no sense to require a court order to take civil and pretrial inmates outside the jail for medical treatment.

Notes of Decisions (4)

McKinney's Correction Law § 508, NY CORRECT § 508

Current through L.2014, chapters 1 to 30, 50 to 60.

End of Document

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